

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: OHIO EXECUTION	:	
PROTOCOL LITIGATION	:	Case No. 2:11-cv-1016
	:	
	:	Chief Judge Edmund A. Sargus, Jr.
	:	
This document relates to:	:	Magistrate Judge Michael R. Merz
All Plaintiffs	:	

**STATE ACTOR DEFENDANTS' MOTION FOR PERMISSION
TO REMOVE AND DISPOSE OF EXPIRED DRUGS AT SOCF**

The State Defendants hereby give notice of their intention to immediately proceed with the orderly removal and disposal of the expired execution drugs in their possession at the Southern Ohio Correctional Facility (SOCF). The Ohio Department of Rehabilitation and Correction currently possesses a quantity of execution drugs at SOCF, all of which have expired, under the control of the responsible pharmacist at SOCF, Defendant Richard Theodore.

Given the Court's previous orders concerning preservation of evidence, including preserving execution drugs utilized for executions, and out of an abundance of caution, the State Defendants are seeking the Court's approval to proceed with the orderly removal and disposal of all of the expired execution drugs at SOCF.

With the Court's approval, Mr. Theodore will remove and dispose of the expired drugs at SOCF. He will document his actions regarding the removal and disposal of the expired drugs by identifying the names and quantities of the drugs to be disposed, in

accordance with Ohio Board of Pharmacy standard procedures. The Defendants will provide copies of those documents to the Plaintiffs and will subsequently provide notice to the Court that the disposal has been completed.

If the Court grants permission to destroy the drugs, the motions by Plaintiff Cleveland Jackson and Kareem Jackson for preliminary injunctions to prevent the use of expired drugs will become moot.

Pursuant to Local Rule 7.3, Defendants have conferred with counsel for Plaintiffs Cleveland Jackson, James Hanna, Melvin Bonnell and Kareem Jackson, and they have consented.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

s/ Charles L. Wille

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing *State Actor Defendants' Motion for Permission to Remove and Dispose of Expired Drugs* was filed electronically this 13th day of September, 2019. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Charles L. Wille
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